## REMARKS

Claims 1-6 and 8-14 are pending in this application. Claims 1, 5, 8, 12 and 13 have been amended to define still more clearly what Applicant regards as his invention. Claims 1, 5, 6, 8 and 12-14 are independent.

The Office Action states that a new Declaration is required and asserts that the originally filed one was unsigned. While an unexecuted Declaration was filed with the application, a signed one was submitted with a Response To Notice To File Missing Parts, as acknowledged by the Patent and Trademark Office, as evidenced by the attached copy of a receipt-stamped postcard dated October 1, 1999. Applicant also submits that it is unlikely that the Applications Branch would have forwarded the application for examination without having received a proper executed Declaration.

Applicant notes the statement in the Office Action that "[e]vidence of a signed declaration is required before this application can be passed for [*sic*; to] issue [emphasis added]." The return postcard a copy of which is submitted herewith is such evidence, and thus should resolve this issue. Accordingly, it is submitted that no new Declaration is required.[1/]

Claims 1-5 and 8-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,754,682 (Katoh). Claims 6 and 14 were rejected under Section 103(a) as

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1/ Applicant notes that the Patent Statute requires that an exeuted declaration be submitted; Applicant is unaware of anything in the stattute, rules or case law that would make the adequacy of an applicant's Declaration contingent on the Patent and Trademark Office associating the Declaration with the correct file, or on the Office's not misplacing or losing the document. If the Office disagrees with this reading of the law, the Examiern is strongly urged, in his next paper, to cite specific authority to support the Office's position.

being unpatentable over *Katoh* in view of U.S. Patents 5,598,272 (Fisch et al.) and 6,341,175 (Usami).

The general purpose and nature of the present invention have been discussed in detail in Applicant's previous papers, and it is not deemed necessary to repeat that discussion in detail. Among other important features recited in independent Claims 1, 5, 8, 12 and 13 is that inputted location information relates to a physical distance between positions of a viewing subject at a data source side and a viewing subject at a data destination side. For example, the above distance corresponds to a viewing space shown in a user interface of Fig. 26, and a user sets the distance from a monitor to a print between zero and infinity by using a slide bar shown in Fig. 26. Thus, the user, even if unfamiliar with or unversed in the details of the relevant color appearance model, can easily and quickly input the distance as a parameter to determine a suitable chromatic adaptability, as described at pages 66-67 of the specification.[2/]

*Katoh* relates to processing in which th color appearance of a soft copy and of a hard copy can be made to coincide, and in which a user interface (Fig. 12) is used to input information about a light source, surrounding (ambient) luminance and monitor luminance, and this information is used to provide an index that can be used at an output side to make necessary adjustments. Applicant submits, however, that the user interface of *Katoh* is not provided for the inputting of, and in fact does not receive, information relating to the above distance, recited in Claims 1, 5, 8, 12 and 13. In other words, a user who does not have sufficient knowledge about the color appearance model, cannot determine suitable

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2/ Of course, the scope of the claims is not limited by the details of the particular embodiments referred to.

chromatic adaptability by using the user interface of *Katoh*. For at least this reason, Claims 1, 5, 8, 12 and 13 are deemed to be clearly allowable over *Katoh*.

As for the rejection of Claims 6 and 14, Applicant does not agree that the proposed combination of references is proper. *Katoh* relates to color processing of the same general type as does the method of Claim 6, in which it is desired to correct color in accordance with a light source for viewing a subject. *Fisch* and *Usami*, however, do not relate to that type of processing, and do not describe color correction in accordance with a light source. The Office Action offers, as a motivation to combine *Fisch* with *Katoh*, the desire to enable a use to make a visual calibration of color images on the display device. Applicant submits, however, that no such motivation is provided by either *Katoh* or *Fisch*, and submits that one of merely ordinary skill would not have thought of it. It is of course not proper to use a suggestion provided by an applicant himself, as a motivation for a modification of prior art to make out an obviousness rejection. Accordingly, Applicant submits that the rejection of Claim 6, and of corresponding Claim 14, should be withdrawn.

Moreover, it should be noted that the description at col. 2, lines 47-60, of *Fisch*, pointed out by the Examiner, includes the phrase "balance or absolute intensity", but this term relates to CMYK colors, and not to chromatic adaptability. Further, *Usami* relates to a system in which are utilized forward and inverse conversions to convert CMYK information to Lab coordinates, and to convert Lab to CMYK information, but nothing found in that patent is seen to teach, in any way, forward and inverse conversions of a color appearance model as shown in Fig. 2. Even if *Fisch* or *Usami* is combined with *Katoh*, therefore, Applicant submits that the result would not meet all the terms of Claims 6 and

14. As a result, Claims 6 and 14 are thought to be allowable over *Katoh*, and over the proposed combination of *Katoh* and *Fisch* or *Usami*, or both, even if such combination is deemed permissible for argument's sake.

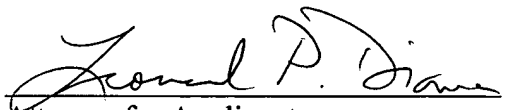
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's attorneys may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 29,286

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 375366 v1

Assistant Commissioner for Patents
Washington, D.C. 20231

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Atty. Docket 962.29324
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